

.10 Seafood Dealer Penalties

A. For each conviction of a chargeable offense listed in §§D—J of this regulation, the Department shall enter on the record of the person the number of points listed for that particular conviction.

B. The points and penalties associated with each conviction are described in §§D—J of this regulation. All statutory references are to Natural Resources Article, Annotated Code of Maryland, unless otherwise noted.

C. The term ‘person’ as used in this regulation is defined under Natural Resources Article, §4-101, Annotated Code of Maryland.

D. The points and penalties as described in §§D-J of this regulation apply to individuals holding a Seafood Dealer’s License under Natural Resources Article, §4-701(d)(2)(ii)(4), Annotated Code of Maryland and purchasing seafood from individuals, other than themselves, licensed under Natural Resources Article, §4-701(d)(2)(ii), Annotated Code of Maryland to harvest seafood for sale.

D. Tier I. The following violations are Tier I violations. A person who receives a conviction for a Tier I violation receives 5 points.

	Statute or Regulation	Description
1	4-215, COMAR 08.02.04.04	Untagged and Undocumented Oysters: 5-9 Bushels
2	4-1027	Selling and Shipping Hard-Shell Clams Without the Proper License
3	COMAR 08.02.02.05	Minimum Size Limit for Soft-Shell Clams: 5 bushels or more with 15-24% undersized clams
4	4-1036, COMAR 08.02.02.08, COMAR 08.02.02.09	Unlawfully Selling or Shipping Soft-Shell Clams
5	COMAR 08.02.03.14E, 4-803, 4-215	Possessing Undersized Crabs- 10 or more bushels containing the following amount of undersized crabs: (a) Hard Crabs (All Licenses), (i) 10-30 per bushel, (ii) 23-75 per barrel; (b) Peelers (All Licenses), (i) over 15 per bushel, (ii) over 25 per float; (c) Soft Crabs: 10 or more
6	COMAR 08.02.03.14B, 4-803, 4-215	Possessing Female Crabs in Male Crab Bushels – 10 bushels or more containing: (a) Over 10 per bushel, (b) Over 23 per barrel
7	COMAR 08.02.03.11A, 4-803, 4-215	Violating Regulations Pertaining to Mature Female Crab-Closure Period – 5 bushels or more: (a) Over 8 per bushel, (b) Over 18 per barrel
8	4-809(c)	Possessing Fat, Snot, Green or Buckram Crab in Worcester County: 20

		or more
9	COMAR 08.02.06.01G	Violating Snapping Turtle Size Limits: 12 or more undersized snapping turtles
10	COMAR 08.03.11.04, COMAR 08.03.11.09	Possessing Snapping or Terrapin Eggs
11	COMAR 08.02.15.05A, 4-2A-03, 4-215	Violating Requirements Pertaining to Tagging Whole Striped Bass: 5-15 fish
12	4-2A-05, COMAR 08.02.15.07	Violating Requirements Pertaining to Striped Bass Size Limits: 5-15 fish
13	COMAR 08.02.21.03B, 4-215	Possessing Undersized or Oversized Yellow Perch: 11-24 Fish
14	4-733, COMAR 08.02.15.12C	Possessing Fish Whose Size or Weight Cannot Be Determined – more than 50 lbs

E. Tier II. The following violations are Tier II violations. A person who receives a conviction for a Tier II violation receives 10 points and a 30 day suspension.

	Statute or Regulation	Description
1	4-1007, COMAR 08.02.04.16, COMAR 08.02.23.04F	Failure to be properly licensed as a Buy Station when buying oysters
2	4-215, COMAR 08.02.04.04	Possessing Undersized Oysters: 15% - 24% per Bushel in 5 Bushels or More
3	COMAR 08.02.21.03B, 4-215	Possessing Undersized or Oversized Yellow Perch: 25-50 fish

F. Tier III. The following violations are Tier III violations. A person who receives a conviction for a Tier III violation receives 15 points and a 60 day suspension.

	Statute or Regulation	Description
1	4-743	Knowingly Violating Shellfish Quarantine
2	COMAR 08.02.03.14	Possessing Undersized Hard Crabs 10 or more bushels containing: 31-40 per bushel or 76-100 per barrel
3	4-902	Violating Regulations Pertaining to Terrapins-No Commercial Sale
4	COMAR 08.02.15.07, 4-215	Possessing Oversized Striped Bass: 11 or more fish
5	COMAR 08.02.15.05A, 4-2A-03, 4-215	Violating Requirements Pertaining to Tagging Whole Striped Bass: 16-25 fish
6	4-2A-05, COMAR 08.02.15.07	Violating Requirements Pertaining to Striped Bass Size Limits: 16-25 fish
7	COMAR 08.02.21.03B, 4-215	Possessing Undersized or Oversized Yellow Perch: 51 or more fish
8	COMAR 08.02.03, COMAR 08.02.04, COMAR 08.02.05, COMAR 08.02.15, COMAR 08.02.21, COMAR 08.02.22, COMAR 08.02.23, Natural Resources Article, Title 4	Purchasing fish harvested during a closed fishing season

G. Tier IV. The following violations are Tier IV violations. A person who receives a conviction for a Tier IV violation receives 20 points and 90 day suspension.

	Statute or Regulation	Description
1	COMAR 08.02.04	Possessing Undersized Oysters: 25-49% Per Bushel in 5 or More Bushels
2	4-215, COMAR 08.02.04.04	Untagged and Undocumented Oysters: 5-9 Bushels
3	COMAR 08.02.03.14	Possessing Undersized Hard Crabs – 15 or more bushels containing: 41-50 per bushel or 101-125 per barrel
4	4-2A-03, COMAR 08.02.05.09	Possessing River Herring: 5 or more per container
5	COMAR 08.02.12.04A, 4-2A-05(c)	Taking Endangered or Threatened Species of Fish

H. Tier V. The following violations are Tier V violations. A person who receives a conviction for a Tier V violation receives 25 points and a 180 day suspension.

	Statute or Regulation	Description
1	COMAR 08.02.04	Possessing Undersized Oysters: 50% or more Per Bushel in 5 or More Bushels
2	4-215, COMAR 08.02.04.04	Untagged and Undocumented Oysters: 10 or More Bushels
3	COMAR 08.02.03.14	Possessing Undersized Hard Crabs – 10 or more bushels containing: 51 or more per bushel or 126 or more per barrel
4	COMAR 08.02.15.05A, 4-2A-03, 4-215	Violating Requirements Pertaining to Tagging Whole Striped Bass: 26-35 fish
5	4-2A-05, COMAR 08.02.15.07	Violating Requirements Pertaining to Striped Bass Size Limits: 26-35 fish
6	COMAR 08.02.21.03B, 4-215	Possessing Undersized or Oversized Yellow Perch: 41-50 fish
7	4-215, COMAR 08.02.03.08	Possessing Egg-Bearing Females Harvested Out-of-State – Bill of Sale Required
8	COMAR 08.02.05	Unlawfully Possessing American Shad, Hickory Shad, or Sturgeon

I. Tier VI. The following violations are Tier VI violations. A person who receives a conviction for a Tier VI violation receives 30 points and a 365 day suspension.

	Statute or Regulation	Description
1	4-708, 4-701(1)(2), COMAR 08.02.13.02E	Operating When a License is Suspended or Revoked
2	4-701	Operating Without a Required Commercial Fishing License or Authorization
3	COMAR 08.02.24A, COMAR 08.02.05.24B	Unlawfully Finning Sharks or Dogfish
4	16 U.S.C. § 3371-3378	A Violation of the Lacey Act (Misdemeanor)
5	COMAR 08.02.15.05A, 4-2A-03, 4-215	Violating Requirements Pertaining to Tagging Whole Striped Bass: 36+ fish

6	4-2A-05, COMAR 08.02.15.07	Violating Requirements Pertaining to Striped Bass Size Limits: 36+ fish
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J. Tier VII. The following violations are Tier VII violations. A person who receives a conviction for a Tier VII violation receives 35 points and license revocation.

1	16 U.S.C. § 3371-3378	A Violation of the Lacey Act (Felony)
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K. In addition to the penalties as described in §§D-J of this regulation, a person who receives 5 or more violations under Natural Resources Article, Title 4 on separate days within a two year period may be subject to a suspension not to exceed 180 days.